

**REMARKS**

Claims 1-36 were pending in this application prior to this amendment. Claims 1-36 were rejected. Claims 1-36 remain in the case for reconsideration. Reconsideration is requested. No new subject matter has been added.

Claims 1-7, 10-16, 19-25 and 28-34 remain rejected under 35 U.S.C. § 102(e) as being anticipated by Benveniste '933 (U.S. Patent Publication No. 2002/0163933A1). Claims 8-9, 17-18, 26-27 and 35-36 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Benveniste in view of Sherman (U.S. Patent Publication No. 2002/0150095A1).

**Benveniste Is Not A Prior Art Reference**

The Examiner cites Benveniste application '933 as suggesting a processor that receives contending requests for respective wireless transmissions through a medium, schedules an ending time of a time window during which subsequent contending request are impermissible [0042,0054]; communicates the scheduled ending time; monitors the medium [0054]; determines that one of the wireless transmissions through the monitored medium ended before the scheduled ending time by a contention free end frame 126, [0054]; and communicates that subsequent contending request are permissible even if made before the scheduled ending time [0054].

Applicant respectfully submits that the Examiner improperly cited the Benveniste application as prior art under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) 35. The November 2, 2001 filing date of the Benveniste application predates the November 27, 2001 filing date of the present application. However, the present application claims priority back to provisional patent application No. 60/273,278 ('278 provisional) filed March 2, 2001 which is prior to the November 2, 2001 filing date of Benveniste.

Applicant's '278 provisional is attached as Exhibit A and clearly describes how a Hybrid Coordinator (HC) can send a Contention Free (CF) end frame that signifies the end of the contention free period. This allows the Stations (STA) to reset their NAV counters to zero and are then free to transmit under the usual contention rules. See Exhibit A, page 7. Therefore, the present application has an effective filing that is at least as early as the March 2, 2001 filing date of the '278 provisional application.

Further, the paragraphs cited by the Examiner in the Benveniste '933 application and the associated figure 1C do not exist in any of the provisional applications No. 60/245,186; No. 60/249,254; No. 60/254,544; No. 60/256,337; No. 60,257,983; or No. 60/278,744 from

which the Benveniste application claims priority. Thus, the Benveniste '933 patent application did not suggest any of the subject matter referenced by the Examiner prior to November 2, 2001.

Therefore, the Benveniste '933 patent application can not be cited as prior art under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) and claims 1-36 are patentable.

#### Claim Amendments

The Examiner also states that Applicant's previous arguments were not persuasive because the arguments relied upon in the previous Office Action response were not recited in the rejected claims. Namely, the claims did not recite a *transmit request* to contend for the medium before the scheduled ending time pursuant to the notification.

The addition limitation of using a *transmit request* to contend for the medium before the scheduled ending time pursuant to the notification has been added to the independent claims.

For example, claim 5 now states transmitting requests to contend for the medium for reserving a next contention-free window before the scheduled ending time pursuant to the notification. This is clearly shown in FIG. 6B where the MC' requests are sent to reserve a next contention-free window CF before the normal end of contention free window CF'.

The Examiner states that Benveniste discloses receiving notification to transmit a contending request before the scheduled time ends, citing the contention-free end frame 126 in paragraph [0054]. However, the contention-free end frame disclosed in Benveniste is not used to notify the wireless stations they can then transmit requests to contend for the medium for reserving a next contention-free window before the scheduled ending time pursuant to the notification as specified in the independent claims. Instead, in Benveniste, the contention-free end frame 126 is sent to notify the wireless stations to transmit CSMA/CA contention-based data frames during the contention period. See Benveniste paragraph [0120]. There is no transmitting of contention requests in Benveniste that are used for reserving the subsequent transmission of data during a non-contention window as now specified in the present claims.

This is further illustrated in Figure 2B of Benveniste, in which a contention-free end frame is sent to signal the end of contention-free period 216 at T3 and the beginning of contention period 218 at T3-T4. During the contention period T3-T4, data frames are transmitted by wireless stations. There is no transmission of contending requests for reserving a subsequent non-contention time period during T3-T4.

Thus, Benveniste does not disclose or suggest in combination with receiving data about a contention-free time window a system that receives notification that transmission of the contention requests will be permitted before the scheduled ending time; and that transmission requests to contend for reservation of a subsequent contention-free time window before the scheduled ending time pursuant to the notification.

For this additional reason applicant respectfully requests reconsideration and allowance of claims 1, 10, 14, 19, 23, 28, and 32. For the reasons above, Applicant respectfully requests reconsideration and allowance of claims 1-36.

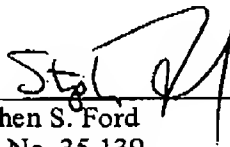
### CONCLUSION

In summary, reconsideration and allowance of claims 1-36 as amended is respectfully requested.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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